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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Steven M. Blumenau, et al.
Serial No:	09/107,684
Confirmation No:	8390
Filed:	June 30, 1998
For:	METHOD AND APPARATUS FOR INITIALIZING LOGICAL OBJECTS IN A DATA STORAGE SYSTEM
Examiner:	Yamir Encarnacion
Art Unit:	2186

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
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REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed October 22, 2003, Applicants respectfully request reconsideration. To further the prosecution of the application each of the rejections set for in the Office Action have been considered and is addressed below. The application as presented is believed to be in condition for allowance.

Claims 1-30 and 32-49 are pending in this application. No amendments have been made to the claims.

In paragraph 3, the Office Action rejected claims 1, 10-12, 21-22, and 27 under 35 U.S.C. §103(a) as purportedly obvious over Napolitano (6,219,693) in view of Starek (5,991,778). In paragraph 5, the Office Action also rejects claim 1, 10-12, 21-22 and 27 under 35 U.S.C. §103(a) as purportedly being obvious over Napolitano and Starek and further in view of Wong (5,832,525). The Office Action asserts that "[i]n addition to Napolitano's disclosure of writing to at least two non-contiguous storage locations, Wong discloses that it is common for a file not to reside contiguously on disk." (Paragraph 5, Page 4 of Office Action).

Applicants traverse each of these rejections because the combination of Napolitano and Starek is improper, and because, even if one were to combine these references, the combination would fail to disclose or suggest all of the limitations recited in the rejected claims. Accordingly, withdrawal of these rejections is respectfully requested.

Discussion of the References

Napolitano

Napolitano is directed to a file array storage architecture having a file system distributed across a data processing platform. Napolitano discloses a host computer 310 coupled to a file array adapter 350 over a low latency interface 302 (col. 5, lines 38-40). The file array adapter includes an adapter CPU that is coupled to an adapter memory and an adapter I/O unit (col. 5, lines 61-63). The adapter I/O unit contains port circuitry needed to connect the adapter to disks (col. 5, lines 63-64). The file system is distributed across the host computer and the file array adapter so that a client file system is located on the host computer and a server file system is located on the file array adapter (col. 6, lines 40-43). Attempts to resolve I/O requests generated by the host computer are initially performed using the client file system (col. 3, lines 54-56). File system requests that cannot be resolved using the client file system are forwarded to the server file system (col. 3, lines 60-64).

Starek

Starek is directed to a method and apparatus for performing supplemental processing in a host drive to perform a number of functions, including real-time secure file deletion. Starek discloses that a vendor supplied driver may be used to intercept file system delete, write, open (create always) and rename calls and to provide real-time secure file deletion functionality (Col. 5, lines 19-22). In response to intercepting and identifying one of these file system calls, supplemental processing may be performed by the vendor supplied driver (Col. 5, lines 19-26). For example, in response to interception of a delete call to the file system, the vendor supplied driver opens a handle to the file identified in the delete call, requests the size of the file, and overwrites the file with a specified overwrite array (Col. 5, lines 27-32).

The Combination of Napolitano and Starek is Improper

The Office Action asserts that it would have been obvious to one of ordinary skill in the art to use the secure file deletion teachings of Starek in the storage system of Napolitano "in order to ensure that the data deleted is not retrievable to reduce security risk that is unacceptable to may [*sic*] individuals and public and private organizations." (Page 3 of Office Action). Applicants respectfully disagree.

While Applicants do not deny that secure deletion of data may reduce security risks, Starek only discloses performing such secure deletion of data on a PC. Specifically, Starek discloses performing secure deletion on a computer that executes the Windows 95 operating system and includes a storage device such as a hard disk drive, ZIP drive, floppy drive, tape drive, or writeable CD ROM drive (Starek, col. 3, lines 5-15). Nowhere does Starek disclose performing secure deletion on a storage system of the type disclosed in Napolitano and there is no disclosure or suggestion in either Starek or Napolitano that would have motivated one of skill in the art to modify the teaching of Starek to perform the Starek secure delete techniques in a storage system of the type disclosed in Napolitano instead of a PC.

Further, MPEP §2142 requires that to establish a *prima facie* case of obviousness, there must be a reasonable expectation of success (MPEP §2142, pg. 2100-124, Original Eighth Edition, Rev.1, Feb. 2003). However, incorporating the secure delete functionality of Starek into the storage system of Napolitano would not be successful. As discussed above, Starek discloses